THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.25309 of 2006

Date : 4-10-2007

Between :

Golla Ramesh s/o. Ramanaiah .. Petitioner

And

The Joint Collector,
Nellore and 2 others .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.25309 of 2006

ORDER:

1. Heard Smt.C.Vani Reddy, Counsel representing the writ petitioner and the Assistant Government Pleader for Civil Supplies.

2. This Court issued *rule nisi* on 6-12-2006 and granted interim suspension in W.P.M.P.No.32407/2006.

3. The impugned order reads as hereunder :

PROCEEDINGS OF THE Revenue Divisional Officer: KAVALI

PRESENT : Sri A.PRASAD, M.Sc.

Rc.B.4123/2006 Dated : 31.10.2006

Sub:- Civil Supplies – Sangam Mandal – Marripadu (II) village – Sri Golla Ramesh F.P. Shop dealer – Involved in murder case – Absconded from the village – Authorisation suspended pending further enquiry – Orders issued.

Read:- The M.R.O., Sangam Rc.B.217/2006, dt.9-

10-2006

ORDER:-

In the reference read above, the Mandal Revenue Officer, Sangam has reported that Sri Golla Ramesh, F.P. Shop dealer of Marripadu (II) Shop, Sangam Mandal has been involved in a murder case, occurred at Marripadu village on 23-8-2006, one Sri Mekala Bhaskar died. The Police has booked this case U/s.147, 148, 452, 427 r/w. 149 against 28 others of the village and Sri Golla Ramesh, F.P. Shop dealer is figured in the F.I.R. as one of the accused and Sri Golla Ramesh, the F.P. Shop dealer was absconded from the village on 23-8-2006.

The Mandal Revenue Officer, Sangam has submitted a copy of the F.I.R. registered by the Station House Officer, Sangam and requested for necessary action in this regard.

As the dealer Sri Golla Ramesh is figured as one of the accused in the F.I.R. and as the individual is “ABSCONDING” from the village since 23-8-2006, the Authorisation of Sri Golla Ramesh, F.P. Shopdealer of Marripadu, Shop-II is hereby suspended pending till further orders under clause 5 of Essential Commodities Act, 2001.

An appeal shall lies with the Joint Collector, Nellore within 30 days from the date of issue of the order.

Sd/-
Revenue Divisional Officer
Kavali

4. The Writ Petition is filed for a writ of

mandamus declaring the proceedings in Rc.No.B4123/2006, dated 31-10-2006 issued by the 2nd respondent in suspending the authorization of the petitioner, Fair Price Shop Dealer of Marripadu, Shop-II, Sangam Mandal, Nellore District as wholly illegal, arbitrary, violative of principles of natural justice and amounts to non-application of mind and to pass such other suitable orders.

5. The specific stand taken is that by the writ petitioner is that the writ petitioner has nothing to do with the alleged crime or the F.I.R. which had been referred to in the impugned order and to show that the individual has been absconding from the village since 23-8-2006 is totally unsustainable. A copy of the F.I.R. also is produced before this Court.

6. In the facts and circumstances of the case, this Court is of the opinion that when the petitioner has nothing to do with the alleged crime, to make an order of suspension on such ground cannot be sustained. In the light of the same, the impugned order is hereby quashed. It is needless to say that the respondents 2 and 3 are at liberty to initiate appropriate action in the event of the need. Accordingly, to the said extent, the Writ Petition is allowed. No order as to costs.

Justice P.S.Narayana

Date : 4-10-2007

AM